

Supporting Statement for Paperwork Reduction Act Submission
Declaration For Importation or Exportation of Fish or Wildlife (Form 3-177)
OMB control number 1018-0012
50 CFR 14.61 through 14.64

Section A. Justification

1. Explain why you need to collect this information. Identify any legal or administrative requirements that necessitate this information collection.

The Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA) makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding the Convention on International Trade in Endangered Species (CITES) (see 16 U.S.C. 1538(e)). This information requirement is necessary for the Service to fulfill the statutory requirements of the ESA.

The regulations at title 50 CFR 14.61 through 14.64 provide the requirements and exceptions declaration of imported or exported fish or wildlife. Sections 14.61 and 14.63 detail the requirements for the completion and filing of Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife. Exceptions to this filing requirement are contained in sections 14.62 and 14.64.

Form 3-177 is the declaration form required of any business or individual importing into or exporting from the United States any fish, wildlife, or wildlife products. Form 3-177 must be filed with the Service prior to the import or export of any fish, wildlife, or wildlife products. The information collected is unique to each wildlife shipment and enables us to accurately inspect the contents of the shipment; enforce any regulations that pertain to the fish, wildlife, or wildlife products contained in the shipment; and maintain records of the importation and exportation of these commodities. Additionally, since the United States is a member of CITES, much of the collected information is compiled in an annual report that is forwarded to the CITES Secretariat in Geneva, Switzerland. Submission of an annual report on the number and types of imports and exports of fish, wildlife, and wildlife products is one of our treaty obligations under CITES.

The following specific justifications for information collections correspond to items on Form 3-177:

Block 1 - This information provides the date of the import or export wildlife shipment and is important to us for monitoring of wildlife shipments.

Block 2 - Regulations contained in 50 CFR 14.91, require that an Import/Export license must be obtained prior to engaging in business as an importer or exporter of wildlife or wildlife products. This information will allow the Service to determine if this shipment complies with this requirement, and if this information is consistent with information provided in Block 5.

Block 3 - Identification of the wildlife shipment as an import or an export is necessary so we can determine what documentation may be required in order to authorize the importation or exportation and to enable us to compile statistical data on fish, wildlife or wildlife products imports or exports.

Block 4 - The port of entry or export is important to us for long term planning purposes. This information will assist us in setting priorities for establishing future ports where fish, wildlife or wildlife products can be imported or exported.

Block 5 - This information will allow us to determine the intended purpose of the wildlife shipment

Block 6 - This information provides the U.S. Bureau of Customs and Border Protection (CBP) entry number and connects the Form 3-177 with corresponding CBP documents.

Blocks 7 - 12 - These blocks require descriptive information concerning where, and how the fish, wildlife or wildlife products are being imported or exported, to ensure that the wildlife shipment can be inspected without excessive delay for the importer or exporter. This information includes whether the wildlife shipment is intended for commercial or non-commercial purposes; the name, type and identifying "way bill" number of the carrier; the location where the wildlife shipment is being held; and any distinguishing markings on the containers containing the fish, wildlife or wildlife products.

Block 13 and 15 - The name and address of the importer or exporter, the customs broker or agent, or the shipping or freight forwarder, are needed to allow us to identify and communicate with the individual, business or their representative on any matters regarding the wildlife shipment.

Block 14 - The name and address of the foreign consignor or consignee are needed so that we can determine the origin or destination of the wildlife shipment and the validity of any required import or export permits submitted at the time clearance is requested. Permits issued by foreign authorities are intended for specific shipments and specific consignors and consignees and cannot be transferred between different consignors and consignees.

Block 16, 19a, and 20 - The species of wildlife in the shipment (listed by common and scientific name), the quantity of the wildlife and the natural country of origin of the wildlife allow us to establish the legality of a wildlife shipment by determining compliance with Federal, State and foreign laws. This information also allows us to monitor trade in species listed in the appendices to CITES and to compile summary data for use in annual reports, management planning and evaluation in various divisions of the Service and the National Marine Fisheries Service and treaty obligations under CITES.

Block 17 - The United States and foreign license and permit numbers document compliance with Federal, State and foreign laws governing imports and exports of wildlife shipments and connects the Form 3-177 with corresponding United States and foreign licenses and permits.

Block 18 - The description code identifies the import or export wildlife shipment as a live animal, or a product. The source code describes the wildlife shipment as to whether it is from the wild, captive-bred or from another source. This information is necessary to establish the legality of a wildlife shipment by comparing the commodities present with any accompanying documentation. The description code also assists us in establishing inspection priorities by declaring that a given shipment contains a live or perishable commodity.

Block 19b - The declared value of the wildlife shipment allows us to monitor and report values of wildlife shipments being imported and exported and to ensure compliance with the CBP.

Block 21 - The signature of the person certifying the information provided on the Form 3-177, and the date of that certification, are needed to establish legal responsibility for the wildlife shipment in the event of subsequent litigation resulting from the wildlife shipment.

2. Explain how FWS will use the information. If this is not a new collection, explain how FWS has used the information received.

The United States is a member of CITES and one of our treaty obligations under CITES is to submit an annual report to the CITES Secretariat in Geneva, Switzerland. The information collected from Form 3-177 is compiled in this annual report and includes the number and types of U.S. imports and exports of fish, wildlife, and wildlife products.

In addition to the CITES annual report, we also use the information obtained from Form 3-177 as an enforcement tool and management aid in monitoring the international wildlife market and detecting trends and changes in the commercial trade of fish, wildlife, and wildlife products. Our Division of Scientific Authority and Division of Management Authority use this information to assess the need for additional protection for native species. In addition, nongovernment organizations, including the commercial wildlife community, request information from us that we obtain from Form 3-177.

3. Does this information collection use automated, electronic, mechanical, or other technological techniques? Provide the reasons for the decision to adopt this means of collection. Describe any consideration you gave to using information technology to reduce burden on the public.

To reduce the information collection burden on the public, Form 3-177, with instructions for its completion, is now available for electronic submission at the following website: <https://edecs.fws.gov>. We estimate that approximately one-third (33%) of responses received will be submitted electronically. We estimate the reporting burden to average 15 minutes per response when completing form 3-177 by hand. Using the electronic declaration system (eDecs) should reduce the reporting burden to about ten minutes per response. The estimate of electronic responses we expect to receive is based upon a recent pilot program of eDecs and we anticipate that the use of eDecs will expand in the future, which would further reduce the burden on the public.

4. Describe efforts to identify duplication. Show why similar information already available cannot be used or modified.

The Service has been designated as the lead agency for enforcement on import and export wildlife shipments under the ESA, and is the lead agency for CITES implementation within the United States. The information collected from Form 3-177 is not collected by any other government agency and is therefore not a duplication of another agency's information collection.

5. If the collection will have a significant impact on small entities, such as small businesses, describe methods used to minimize burden on them.

This information collection will not have a significant impact on small entities. Form 3-177 is designed to be easy to use, while still providing enough information to allow the Service to fulfill

its responsibilities under the ESA and CITES. Detailed instructions are included with the form to make it easier to complete. In addition, the development of eDecs will enable users to complete the form electronically in about one-half the time needed to complete the form by hand.

6. Describe the consequences to Federal programs or policies if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The consequences to Federal programs or policies if this information is not collected would be that the Service would be unable to properly fulfill its responsibilities under the ESA and CITES. The ESA makes it unlawful to import or export fish, wildlife, or plants without filing a declaration or report deemed necessary for enforcing the Act or upholding CITES. This information requirement is necessary for the Service to fulfill the statutory requirements of the ESA and the obligations of the United States as a party country to CITES. In addition, without this information, we will not be able to monitor imports or exports of wildlife shipments and therefore, will be unable to determine if imports or exports of wildlife shipments are in compliance with Federal, State and foreign laws.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that would require this information to be collected in a manner inconsistent with OMB guidelines.

8. Cite and provide a copy of the 60-day Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received on the 60-day notice, and describe actions taken by FWS in response to those comments. Specifically address comments received on cost and hour burden. Describe your efforts to consult with persons outside of FWS to obtain their views on the availability of data; frequency of collection; clarity of instructions, disclosure, or reporting format; and data elements to be recorded, disclosed, or reported. Consultation should include obtaining their views on the amount of burden to be imposed and ways to minimize the burden. If circumstances prevent this consultation, describe them.

Attached is the Federal Register notice published on April 3, 2003 (68 FR 16304), describing the Service's request for public comments on this information collection. No comments were received in response to this notice. Opportunities for informal public comment are available with members of the importing and exporting wildlife community regarding the Service's inspection process, of which Form 3-177 is a part. These interactions provide the Service with feedback on ways to improve the information collection contained in Form 3-177.

9. Explain any decision to provide a gift or payment to respondents, other than remuneration of contractors and grantees.

There are no provisions to provide a gift or payment to importers or exporters who complete and file Form 3-177.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or policy.

Form 3-177 includes a notice concerning the Privacy Act and Paperwork Reduction Act. That notice states, among other things, that:

- The information may be subject to disclosure under provisions of the Freedom of Information Act;
- In the event that there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the information may be transferred to the appropriate Federal, State, local, or foreign agency charged with investigating or prosecuting such violations; and
- In the event of litigation involving the records or the subject matter of the records, the information may be transferred to the U.S. Department of Justice.

The information collected on Form 3-177 is subject to the Privacy Act and is maintained in a secure system of records accessible only by authorized Service employees.

11. Provide justification for any questions of a sensitive nature. Include the reasons why the questions are necessary, the specific uses for the information, the explanation given to respondents, and steps taken to obtain respondents' consent.

None of the information collected on Form 3-177 is considered to be sensitive.

12. Provide estimates of the hour burden of the information collection. Include an estimate of the dollar value of the burden hours.

There are approximately 15,000 respondents who will annually submit Form 3-177 to request clearance of an import or export wildlife shipment. This estimate was derived using the following information. The Service has over 8,000 commercial import and export license holders who could be expected to submit Form 3-177 for clearance of an import or export wildlife shipment on a regular basis. In addition, there are probably nearly as many individuals or organizations who are not license holders that will submit Form 3-177 for clearance of an import or export wildlife shipment. Included among these individuals or organizations would be commercial importers or exporters who deal exclusively in products that are exempt from the licensing requirements; public institutions such as museums; Federal, State or municipal agencies; and private individuals.

There are approximately 120,000 Form 3-177s filed with the Service each year. We estimate that approximately two-thirds (67%), or approximately 80,400, of these responses will be completed by hand. Each of these responses will require approximately .25 hours (15 minutes) to complete. This estimate includes approximately .08 hours (5 minutes) for reviewing instructions and approximately .17 hours (10 minutes) to complete Form 3-177. We estimate that approximately one-third (33%), or approximately 39,600, of responses received will be submitted electronically. Using eDecs should reduce the time to complete Form 3-177 to about .08 hours (5 minutes) per response; therefore the total time to complete the form electronically, including the time to review instructions (.08 hours/5 minutes) and the time to fill out Form 3-177, is approximately .17 hours (10 minutes) per response. As such, the total estimated reporting burden for completing Form 3-177 is approximately 26,832 hours [(80,400 x .25 hours = 20,100 hours) + (39,600 x .17 hours = 6,732 hours)]. We estimate that the average wage of individuals likely to be completing Form 3-177 is \$20.00 per hour. Therefore, the total estimated dollar value of this reporting burden is \$536,640.00.

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| Form 3-177 Submission by Hand | |
| Review instructions | .08 hours/response |
| Complete and review form | .17 hours/response |
| Estimated number or responses | 80,400 |
| Estimated reporting burden | 20,100 hours |
| Estimated dollar value of reporting burden | \$402,000.00 |
| | |
| Electronic Submission of Form 3-177 | |
| Review instructions | .08 hours/response |
| Complete and review form | .08 hours/response |
| Estimated number or responses | 39,600 |
| Estimated reporting burden | 6,732 hours |
| Estimated dollar value of reporting burden | \$134,640.00 |
| | |
| Total estimated reporting burden | 26,832 hours |
| Total estimated dollar value of reporting burden | \$536,640.00 |

13. Provide an estimate for the total annual non-hour dollar cost burden to respondents or recordkeepers. Do not include the cost of burden hours described in items 12 and 14.

There are no annual non-hour dollar cost burdens to respondents or recordkeepers.

14. Provide estimates of the annual cost to the Federal Government. Include a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

The estimate of annualized cost to the Federal government for processing Form 3-177 is approximately \$1,202,500.00. This value is based on the average salary per hour of Service personnel likely to be involved in processing Form 3-177 (\$20.00), plus operational expenses per hour (\$10.00), multiplied by the number of hours estimated to process Form 3-177 (.25 hours), multiplied by the estimated number of responses per year (120,000). In addition, the estimate of annualized cost to the Federal government includes the costs associated with the input of data from Form 3-177 into the law enforcement database. This value is based upon the average cost per hour of the data input personnel contracted to the Federal government to enter data from

Form 3-177 (\$22.00), multiplied by the estimated number of hours of data entry per year (13,750). Operational expenses to the Federal government (\$10.00/hour) include printing and distribution costs of Form 3-177.

Total annual cost to the Federal government:

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|---|-----------------------|
| Estimated annual cost for Service personnel and operational expenses | |
| Annual responses | 120,000 |
| Average hours for Service processing/response | .25 |
| Average salary/hour for Service processing | \$20.00 |
| Service operational expenses per hour | \$10.00 |
| Estimated annual cost for Service personnel and operational expenses | \$900,000.00 |
| | |
| Estimated annual cost for data input personnel | |
| Average cost/hour of the data input personnel | \$22.00 |
| Estimated number of hours of data entry/year | 13,750 |
| Estimated annual cost for data input personnel | \$302,500 |
| | |
| Total annual cost for processing Form 3-177 | \$1,202,500.00 |

15. Provide the reasons for any program changes or adjustments reported in items 13 or 14 of OMB 83-I.

There is an increase of 5,582 hours in the annual reporting and recordkeeping burden in item 13 of OMB Form 83-1. However, this increase can be attributed to the increased number of Form 3-177's submitted annually. During the last information collection renewal request, we had estimated an average of 85,000 Form 3-177s submitted per year. For this information collection renewal request, we are estimating an average of 120,000 Form 3-177s submitted per year, a 41% increase. However, the corresponding increase in burden hours is offset to a large extent by the estimated number of Form 3-177s submitted electronically, such that despite a 41% increase in the number of Form 3-177s submitted, the corresponding burden hours have only increased by 26%, from 21,250 hours to 26,832 hours.

Specifically, an average of 120,000 Form 3-177s submitted per year would result in a total estimated reporting burden of 30,000 hours if these responses were completed by hand (120,000

x .25 hours = 30,000 hours). This would result in an additional adjustment to the total estimated reporting burden of 8,750 hours (30,000 - 21,250 (current OMB inventory)). However, we estimate that approximately one-third (33%) of these responses received will be submitted electronically or, approximately 39,600 responses. This program change would reduce the reporting burden for the electronic responses from 9,900 hours (39,600 x .25 hours = 9,900 hours, if completed by hand) to 6,732 hours (39,600 x .17 hours = 6,732 hours). Therefore, this program change reduces the overall increase in the total estimated reporting burden by 3,168 hours (9,900 - 6,732 = 3,168), from 8,750 hours to 5,582 hours (8,750 - 3,168 = 5,582).

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans for publication of the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The expiration date of the OMB approval of this information collection with the OMB control number will be displayed on Form 3-177 in the upper left-hand corner.

18. Explain each exception to the certification statement identified in item 19 of OMB 83-I.

There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected on Form 3-177.

Section B. Collections of Information Employing Statistical Methods

No statistical methods are employed in the collection of information on Form 3-177.